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 55 **UNITED STATES DISTRICT COURT**
 56 **NORTHERN DISTRICT OF CALIFORNIA**
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 58 ANIBAL RODRIGUEZ, SAL
 59 CATALDO, JULIAN
 60 SANTIAGO, and SUSAN LYNN
 61 HARVEY, individually and on behalf of all
 62 others similarly situated,

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 64 Plaintiffs,
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 66 vs.
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 68 GOOGLE LLC,
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 70 Defendant.

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 72 Case No.: 3:20-cv-04688

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 74 **DECLARATION OF MARK MAO IN**
 75 **SUPPORT OF PLAINTIFFS' MOTION**
 76 **FOR RELIEF FROM CASE**
 77 **MANAGEMENT SCHEDULE**

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 79 The Honorable Richard Seeborg

DECLARATION OF MARK MAO

I, Mark Mao, declare as follows:

1. I am a partner with the law firm of Boies Schiller Flexner LLP, counsel for Plaintiffs in this matter. I am an attorney at law duly licensed to practice before all courts of the State of California. I have personal knowledge of the matters set forth herein and am competent to testify.

2. I submit this Declaration in support of Plaintiffs' Rule 16(b) Motion for Relief from Case Management Schedule.

3. Attached hereto as **Exhibit 1** is a true and correct copy of an email exchange between Google’s counsel (Lori Arakaki) and Plaintiffs’ counsel (Alex Frawley and Ryan Sila) concerning Google’s production of documents relating to Google’s WAA and sWAA disclosures, with the last email dated December 13, 2022.

4. Attached hereto as **Exhibit 2** is a true and correct copy of an email exchange between Google’s counsel (Eduardo Santacana) and Mr. Sila concerning Google’s production of documents responsive to Plaintiffs’ Ninth Set of RFPs and other requests, with the last email dated December 8, 2022.

5. Attached hereto as **Exhibit 3** is a true and correct copy of an email exchange between Mr. Santacana and Mr. Frawley concerning production of data from Google's logs, with the last email dated December 21, 2022.

6. Attached hereto as **Exhibit 4** is a true and correct copy of an email exchange between Mr. Santacana and Mr. Frawley concerning Plaintiffs' proposed extension of the case schedule, with the last email dated December 21, 2022.

7. On November 1, 2022, Mr. Frawley sent to Google’s counsel a request to query Google’s [REDACTED] dashboard, which Google had previously agreed to produce. On December 8, 2022, Mr. Frawley asked Google’s counsel when Plaintiffs can expect to receive the results of the query. On December 13, 2022, Mr. Santacana responded that the results would be produced “[i]n a few days.” Google did not produce the results until December 20, 2022.

1 8. On December 15, 2022, I took the deposition of Belinda Langner (Director of
2 Product, App Ads at Google), who Google designated as its 30(b)(6) witness to testify about
3 Google's use of app activity data for ad bidding, conversion tracking, and otherwise generating
4 revenue. Ms. Langner was unable to answer more than a dozen questions and testified that she
5 would have to follow up with answers. Google has not yet followed up with answers to these
6 questions.

7 9. On December 8, 2022, Mr. Frawley emailed to Google's outside counsel a letter-
8 brief in which Plaintiffs move to compel production of documents withheld in connection with the
9 deposition of Belinda Langner. On December 20, 2022, Mr. Frawley asked Google when it
10 expected to complete its portion of the letter-brief. On December 21, 2022, Mr. Santacana
11 committed to completing Google's portion of the letter-brief "next week."

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct. Executed this 21st day of December, 2022, at San Francisco, California.

14 Dated: December 21, 2022

Respectfully submitted,

15 By: /s/ Mark C. Mao

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